

DEAV2002/0049 US NP

REMARKS

Claims 1 to 17 are pending in this patent application. Claims 1 to 11 have been amended. In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the rejections are requested respectfully.

Discussion of the Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1 to 17 stand rejected under 35 U.S.C. §112, first paragraph, because it is alleged that Applicants' specification is not enabling with respect to the full scope of compounds encompassed by the claims. In view of the foregoing amendments, Applicants request reconsideration of this rejection.

Although Applicants disagree that the scope of the as-filed claims is not enabled by the instant specification, Applicants have nonetheless amended the claims for the sole purpose of advancing prosecution of this patent application. In this regard, Applicants have amended the claims to more particularly define the claimed invention as having a "sugar-O-thien-A-aromaticCyc1" core structure, the scope of which is well represented by the Examples. Such Examples are illustrative of the breadth of the inventions and are supportive of enablement of the full scope of the claims. Thus, Applicants submit respectfully that the scope of the claims as amended is enabled and that any experimentation, if required, would be routine in nature. Accordingly, reconsideration and withdrawal of the rejection are requested respectfully.

Applicants reserve the right to pursue the broader claims in a later-filed continuation application.

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Discussion of the Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 11 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Action alleges that claims 1 and 11 are "substantial duplicates" (Action at 3). Applicants do not necessarily agree, but submit that this rejection is now moot in view of the foregoing amendment.


Conclusion

The foregoing is submitted as a full and complete response to the Action mailed on January 27, 2005, and the allowance of all claims is respectfully requested. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-3410.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

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